

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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LORENA M. MILLIGAN, *individually and on behalf*  
*of all others similarly situated,*

Plaintiff,

Docket No.:  
2:16-cv-00240-DLI-RML

-against-

GEICO GENERAL INSURANCE COMPANY and  
CCC INFORMATION SERVICES INC.,

Defendants.

-----X  
**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT  
GEICO GENERAL INSURANCE COMPANY'S  
MOTION TO STAY THE CASE PENDING RESOLUTION OF GEICO'S APPEAL**

SERVED JUNE 29, 2023

Defendant GEICO General Insurance Company (“GEICO”) respectfully submits this Memorandum of Law in support of its motion for an Order granting a stay of this case pending resolution of GEICO’s appeal from this Court’s October 12, 2022 Order.

**I. UNITED STATES SUPREME COURT PRECEDENT MANDATES A STAY**

On June 23, 2023, the United States Supreme Court issued an opinion in *Coinbase v. Bielski*, 599 U.S. \_\_\_, No. 22-105, 2023 WL 4138983 (June 23, 2023). The Supreme Court held when a party exercises its statutory right under 9 U.S.C. § 16(a) to an interlocutory appeal from an order denying a motion to compel arbitration, the district court must stay its proceedings while the interlocutory appeal is ongoing. *Id.* at \*2.

GEICO filed an interlocutory appeal pursuant to 9 U.S.C. § 16(a) from this Court’s Order denying GEICO’s request to compel appraisal. Doc. 110. The Second Circuit has held that the appraisal provision at issue in this case constitutes arbitration subject to the FAA. *Milligan v. CCC Info. Servs. Inc.*, 920 F.3d 146, 151-152 (2d Cir. 2019). GEICO’s appeal is therefore precisely the type of appeal for which *Coinbase* requires the issuance of a stay.

**II. CONCLUSION**

GEICO respectfully submits *Coinbase* requires a stay of all proceedings in this Court pending the resolution of GEICO’s appeal from this Court’s October 12, 2022, Order, and respectfully requests the issuance of such a stay here.

Dated: June 29, 2023

Respectfully submitted,

DICKINSON WRIGHT PLLC

By: /s/ Dan W. Goldfine

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GEICO General Insurance Company*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 29, 2023, I electronically transmitted the attached foregoing document to the Clerk's Office using the CM/ECF system for filing and transmittal of a Notice of Electronic Filing to all counsel of record.

/s/ Dan W. Goldfine